

IN THE HIGH COURT OF JUDICATURE AT PATNA

Civil Writ Jurisdiction Case No.12295 of 2014

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Kedar Nath Ray, Son of Late Sahdon Ray, resident of Village- Chakoli, P.O.-
Lakshmipur, P.S- Mahua, District- Vaishali.

.... Petitioner/s

Versus

1. The State of Bihar through the Principal Secretary, Education Department,
Bihar, Patna.
2. B.R. Ambedkar Bihar University, Muzaffarpur through its Registrar
3. Vice-Chancellor, B.R. Ambedkar Bihar University, Muzaffarpur
4. Registrar, B.R. Ambedkar Bihar University, Muzaffarpur
5. Principal, Deochand College, Hajipur

.... Respondent/s

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Appearance :

For the Petitioner/s : Mr. Abhinav Srivastava, Advocate
For the Respondent/s : Mr. Mujtabaul Haque, GP-12
Mr. Manish Kumar, AC to GP-12

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CORAM: HONOURABLE MR. JUSTICE ANIL KUMAR UPADHYAY

ORAL JUDGMENT

Date: 20-08-2018

Heard learned counsel for the petitioner and State as
well as University.

2. The petitioner is aggrieved by non-payment of
salary, despite order of regularization vide order dated 14.09.2012
(Annexure-10).

3. The Vice-Chancellor of the University has power
to make appointment against the vacant sanctioned post in exercise of
power under Section 10(6) of the Bihar State Universities Act. From
the office order contained in Annexure-10, it is apparent that the
petitioner was regularized in terms of Memo no. 989 dated 10.05.1991
by the Vice-Chancellor against the clear vacancy occasioned on



account of superannuation of Shambhu Rai, Peon, D.C. College, Hajipur. Once the petitioner was regularized against the vacant and sanctioned post the University is required to ensure payment of salary and denying the salary amounts to violation of Articles 21 and 23 of the Constitution of India. Begari in any form is impermissible and the State Authority, like the University, cannot practice begari in any form.

4. On behalf of the State, it is submitted that the issue of payment pertains to University and the State has no role in the matter of payment of salary to the employees of the University appointed against the sanctioned post.

5. Considering the aforesaid, the writ application is disposed of with a direction to the University to ensure payment of salary to the petitioner, if not already paid, within a maximum period of four months from the date of receipt/production of a copy of this order in terms of Annexure-10, dated 14.09.2012. If the payment is not made within the time frame as indicated hereinabove, the University has to pay interest at the rate of 9% per annum from the date of accrual i.e. 14.09.2012 till the date of actual payment and the interest component shall be realized from the pocket of erring officer, who is responsible in delaying the payment of salary. The Vice-Chancellor of the University shall determine the liability in this regard



by causing enquiry.

6. With the aforesaid, the writ application stands disposed of.

(Anil Kumar Upadhyay, J)

Uday/-

AFR/NAFR	NAFR
CAV DATE	NA
Uploading Date	21.08.2018
Transmission Date	

